

SECOND REGULAR SESSION

# HOUSE BILL NO. 1752

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRAHAM.

Read 1<sup>st</sup> time January 31, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4351L.01I

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### AN ACT

To amend chapter 190, RSMo, by adding thereto six new sections relating to the regulation of  
stretcher vans.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 190, RSMo, is amended by adding thereto six new sections, to be  
2 known as sections 190.525, 190.528, 190.531, 190.534, 190.537 and 190.540, to read as follows:

**190.525. As used in sections 190.525 to 190.540, the following terms mean:**

2 (1) "Department", the department of health and senior services;

3 (2) "Director", the director of the department of health and senior services or the  
4 director's duly authorized representative;

5 (3) "Passenger", an individual requesting or needing routine transportation that  
6 does not within reasonable predictability require medical monitoring, observation, aid,  
7 care, or treatment during transportation except for self-administered oxygen as ordered  
8 by a physician;

9 (4) "Patient", an individual, while under the direct care of a licensed medical  
10 professional, who is sick, injured, wounded, diseased, or otherwise incapacitated or  
11 helpless, and who may require medical monitoring, observation, aid, care, or treatment  
12 during transport except for self-administered oxygen as ordered by a physician;

13 (5) "Person", any individual, firm, partnership, copartnership, joint venture,  
14 association, cooperative organization, corporation, municipal or private, whether  
15 organized for profit or not, state, county, political subdivision, state department,  
16 commission, board, bureau, or fraternal organization, estate, public trust, business or  
17 common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in  
18 bankruptcy, or any other service user or provider;

19           (6) "Stretcher van", a vehicle designed and equipped to transport a person in a  
20 supine position except that no such vehicle shall be used to provide medical services.

**190.528. 1.** Any person, as an owner, agent, or otherwise, who furnishes, operates,  
2 conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage  
3 in the business or service of transportation of passengers by stretcher van upon the streets,  
4 alleys, or any other public way or place of the state of Missouri shall be licensed by the  
5 department of health and senior services.

6           **2.** No regulation or ordinance shall prohibit stretcher van services that were legally  
7 operating within any political subdivision prior to January 1, 2002, from continuing to  
8 operate within such political subdivision. Any political subdivision that did not regulate  
9 or prohibit stretcher van services as of January 1, 2002, shall not implement regulations  
10 or ordinances to prevent the establishment, operation, or decrease of stretcher van services.

11           **3.** The department shall issue service licenses for a period of no more than five  
12 years for each service meeting the established criteria.

13           **4.** Application for a stretcher van license shall be made upon such forms as  
14 prescribed by rule by the department. The application form shall contain such  
15 information as the department deems reasonably necessary to make a determination as to  
16 whether the stretcher van agency meets all the requirements of sections 190.525 to 190.540.

17           **5.** Upon the sale or transfer of any stretcher van license, the owner of the stretcher  
18 van service shall notify the department within thirty days of the change of ownership. The  
19 department shall conduct an inspection of the stretcher van service to verify compliance  
20 with sections 190.525 to 190.540.

**190.531. 1.** The department may refuse to issue or deny renewal of any license  
2 required pursuant to sections 190.525 to 190.540 for failure to comply with the provisions  
3 of sections 190.525 to 190.540 or any lawful regulations promulgated by the department  
4 to implement the provisions of sections 190.525 to 190.540. The department shall notify  
5 the applicant in writing of the reasons for the refusal and shall advise the applicant of his  
6 or her right to file a complaint with the administrative hearing commission as provided by  
7 chapter 621, RSMo.

8           **2.** The department may cause a complaint to be filed with the administrative  
9 hearing commission as provided by chapter 621, RSMo, against any holder of any license  
10 required by sections 190.525 to 190.540 or any person who has failed to renew or has  
11 surrendered his or her license for failure to comply with the provisions of sections 190.525  
12 to 190.540 or any lawful regulations promulgated by the department to implement such  
13 sections. Such regulations shall be limited to the following:

14           **(1)** Use or unlawful possession of any controlled substance, as defined in chapter

15 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to  
16 perform the work of any activity licensed or regulated by sections 190.525 to 190.540;

17 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty  
18 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the  
19 United States, for any offense reasonably related to the qualifications, functions or duties  
20 of any activity licensed or regulated pursuant to sections 190.525 to 190.540, for any offense  
21 an essential element of which is fraud, dishonesty or an act of violence, or for any offense  
22 involving moral turpitude, whether or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate,  
24 permit or license issued pursuant to sections 190.525 to 190.540 or in obtaining permission  
25 to take any examination given or required pursuant to sections 190.525 to 190.540;

26 (4) Obtaining or attempting to obtain any fee, charge, tuition or other  
27 compensation by fraud, deception or misrepresentation;

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or  
29 dishonesty in the performance of the functions or duties of any activity licensed or  
30 regulated by sections 190.525 to 190.540;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of  
32 sections 190.525 to 190.540, or of any lawful rule or regulation adopted by the department  
33 pursuant to sections 190.525 to 190.540;

34 (7) Impersonation of any person holding a license or allowing any person to use his  
35 or her license;

36 (8) Disciplinary action against the holder of a license or other right to practice any  
37 activity regulated by sections 190.525 to 190.540 granted by another state, territory, federal  
38 agency or country upon grounds for which revocation or suspension is authorized in this  
39 state;

40 (9) Being finally adjudged insane or incompetent by a court of competent  
41 jurisdiction;

42 (10) Issuance of a license based upon a material mistake of fact;

43 (11) Violation of any professional trust or confidence;

44 (12) Use of any advertisement or solicitation which is false, misleading or deceptive  
45 to the general public or persons to whom the advertisement or solicitation is primarily  
46 directed;

47 (13) Violation of the drug laws or rules and regulations of this state, any other state  
48 or the federal government;

49 (14) Being finally adjudicated and found guilty, or having entered a plea of guilty,  
50 or nolo contendere, of a crime involving Medicare or Medicaid fraud, or any other type

51 of fraudulent activity that caused the applicant or licensee to pay fines or restitution of one  
52 hundred thousand dollars or more. Such person shall not be licensed within seven years  
53 of the date such fine or restitution was ordered.

54 3. After the filing of such complaint, the proceedings shall be conducted in  
55 accordance with the provisions of chapter 621, RSMo. Upon a finding by the  
56 administrative hearing commission that the grounds, as provided in subsection 2 of this  
57 section, for disciplinary action are met, the department may, singly or in combination,  
58 censure or place the person named in the complaint on probation on such terms and  
59 conditions as the department deems appropriate for a period not to exceed five years, or  
60 may suspend, for a period not to exceed three years, or revoke the license.

61 4. An individual whose license has been revoked shall wait one year from the date  
62 of revocation to apply for relicensure. Relicensure shall be at the discretion of the  
63 department after compliance with all the requirements of sections 190.525 to 190.540  
64 relative to the licensing of an applicant for the first time.

65 5. The department may notify the proper licensing authority of any other state in  
66 which the person whose license was suspended or revoked was also licensed, of the  
67 suspension or revocation.

68 6. Any person, organization, association or corporation who reports or provides  
69 information to the department pursuant to the provisions of sections 190.525 to 190.540  
70 and who does so in good faith shall not be subject to an action for civil damages as a result  
71 thereof.

72 7. The department of health may suspend any license required pursuant to sections  
73 190.525 to 190.540 simultaneously with the filing of the complaint with the administrative  
74 hearing commission as set forth in subsection 2 of this section, if the department finds that  
75 there is an imminent threat to the public health. The notice of suspension shall include the  
76 basis of the suspension and notice of the right to appeal such suspension. The licensee may  
77 appeal the decision to suspend the license to the department. The appeal shall be filed  
78 within ten days from the date of the filing of the complaint. A hearing shall be conducted  
79 by the department within ten days from the date the appeal is filed. The suspension shall  
80 continue in effect until the conclusion of the proceedings, including review thereof, unless  
81 sooner withdrawn by the department, dissolved by a court of competent jurisdiction or  
82 stayed by the administrative hearing commission.

2 190.534. 1. A stretcher van service may transport a passenger when such passenger  
3 needs routine transportation if such person does not require medical monitoring,  
4 observation, aid, care, or treatment during transport.

2. A stretcher van service shall not use an ambulance as a stretcher van or

5 transport:

6 (1) The acutely ill, wounded, or medically unstable;

7 (2) A passenger needing or requesting transport to a hospital emergency  
8 department or urgent care medical facility;

9 (3) A person experiencing an emergency medical condition, an acute medical  
10 condition, as exacerbation of chronic medical condition, or a sudden illness or injury; or

11 (4) Patients.

12 3. A stretcher van service shall require twenty-four hour notice on any transport  
13 of a passenger to a medical appointment.

190.537. 1. A stretcher van shall always be operated with the following, including  
2 but not limited to:

3 (1) A two-person crew, each of whom is not licensed or certified as a medical  
4 professional but is currently certified to provide basic first aid and cardiopulmonary  
5 resuscitation;

6 (2) The crew shall be properly trained to safely transport passengers on a stretcher;

7 (3) Communication devices that allow crew members to immediately contact  
8 emergency medical services systems must be provided on the vehicle;

9 (4) Stretchers and mountings that meet or exceed current manufacturer's KKK-A-  
10 1822 specifications, or subsequent industry-recognized replacement specifications, at the  
11 time of manufacture;

12 (5) Vehicles specifically designed, manufactured and equipped for use as a stretcher  
13 van that meet current federal safety standards at the date of vehicle manufacture;

14 (6) A basic first aid kit and supplies necessary to provide bloodborne pathogen  
15 protection, but shall not contain medical equipment;

16 (7) When transporting a passenger with self-administered oxygen, appropriate  
17 securing devices must be provided for the oxygen container to ensure safety of the  
18 passenger and crew.

19 2. The crew of the stretcher van is required to immediately contact the appropriate  
20 ground service or activate the 911 system if the passenger's medical condition deteriorates.

21 3. A stretcher van agency shall provide proof of public liability insurance that  
22 meets or exceeds the reasonable requirements for stretcher van services as defined by  
23 department rule.

24 4. The department shall promulgate rules relating to stretcher van insurance  
25 requirements, vehicle and stretcher specifications, vehicle communications, passenger  
26 safety, and records and reports.

27 5. The department shall conduct inspections of stretcher van services to verify

28 compliance with sections 190.525 to 190.540.

190.540. No rule or portion of a rule promulgated under the authority of sections  
2 190.525 to 190.540 shall become effective unless it has been promulgated pursuant to  
3 chapter 536, RSMo.